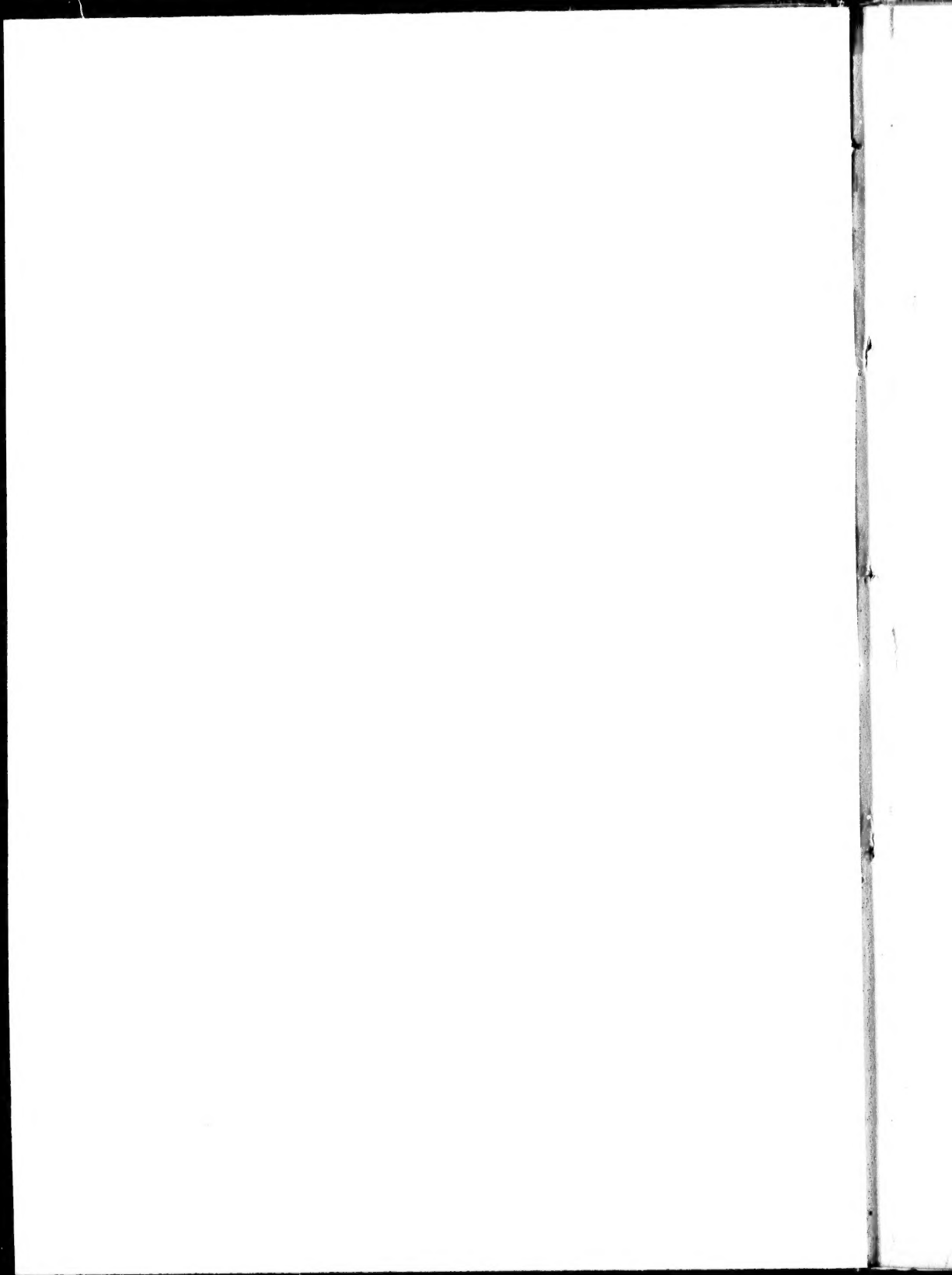




ACT

E. P. Hurd

OF

INCORPORATION,

OF THE

CITY OF SHERBROOKE

AND

AMENDMENTS.



SHERBROOKE:

PRINTED BY BRADFORD BROS., STEAM BOOK AND JOB PRINTERS.

1881.

1881
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C A P. L.

An Act to Incorporate the City of Sherbrooke.

Assented to 24th December, 1875.

WHEREAS the provisions of the Municipal Code do
not meet the present requirements of the Town
of Sherbrooke :

Preamble.

And whereas it has become necessary that more ample provisions should be made for the internal government of the said Town ;

And whereas the inhabitants of said Town are desirous that the same should be constituted a City and have a special act of incorporation ; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. The inhabitants of the said Town of Sherbrooke, as hereinafter described, and their successors, shall continue to be, and are hereby declared to be, a body politic and corporate, by the name of " The corporation of the City of Sherbrooke," and by that name, they and their successors shall have perpetual succession, and shall have power to sue and be sued, to implead and be impleaded in all courts and in all actions, causes, and suits at law whatsoever ; and shall have a common seal, with power to alter and modify the same at their pleasure ; and shall, in law, be capable of receiving by donation, of acquiring, holding and parting with any property, real or moveable, for the use of the said city ; of becoming parties to any contracts or agreements in the management of the affairs of the said city, and of giving or accepting any notes, bonds, drafts, obligations, judgments, or other instruments or securities for the payment of, or securing the payment of, any sum of money borrowed or loaned, or for the execution of any other duty, right or thing whatsoever ; and for borrowing any sum of money required for any purpose within the jurisdiction of the council of said city, either upon the debentures of the said city, to be is-

Corporation continued.

Name.

General powers.

Loan.

sued and executed as hereinafter provided ; or by hypothecating the immoveable property of the city for that purpose.

Engagements
of the town,
continued.

2. All by-laws, ordinances, agreements, dispositions and engagements whatever, passed and entered into by the municipal council of the said town of Sherbrooke, as heretofore existing, shall continue to have full force and effect ; as though such by-laws, ordinances, agreements, dispositions and engagements had been passed and agreed to by the council of the said City of Sherbrooke, as hereby constituted, until such time as such by-laws, agreements or engagements shall be formally rescinded, abolished or amended by the council of the said city, or fulfilled ; and the said corporation, as continued by this act, shall succeed and be substituted for all purposes whatsoever, in the engagements, rights, debts and obligations of the corporation of the said town of Sherbrooke, as now existing under the municipal code.

Obligations
of the town
transferred to
the city.

By-laws of the
town &c.
continued.

3. The by-laws, orders, rolls and municipal acts, which govern the territory heretofore constituting the said town of Sherbrooke, before the passing of this act, shall continue in force until they are amended or repealed by the city council to be hereinafter chosen ; and the mayor and councillors of the said town of Sherbrooke, as now existing, shall remain in office until the elections, which are to take place under this act, have taken place ; and all the municipal officers of the said town of Sherbrooke, as now existing, shall continue in office until their successors are chosen or appointed, under the provisions of this act.

Limits of the
city.

4. The boundaries and limits of the said City of Sherbrooke shall be those of the present town of Sherbrooke as defined by proclamation on the 28th day of June, eighteen hundred and fifty-two, of His Excellency the Governor-General of the late Province of Canada ; but the said City of Sherbrooke shall be divided into four wards ; known as the North ward, the South ward, the East ward and the Centre ward, bounded as follows : North ward to comprise all that part of the said city lying north of the river Magog and west of the river St. Francis ; South ward to comprise all that part of the said city lying south of King street and west of the river St. Francis ; East ward to comprise all that part of the said city lying east of the river St. Francis ; and the Centre ward

North ward.

South ward

East ward.

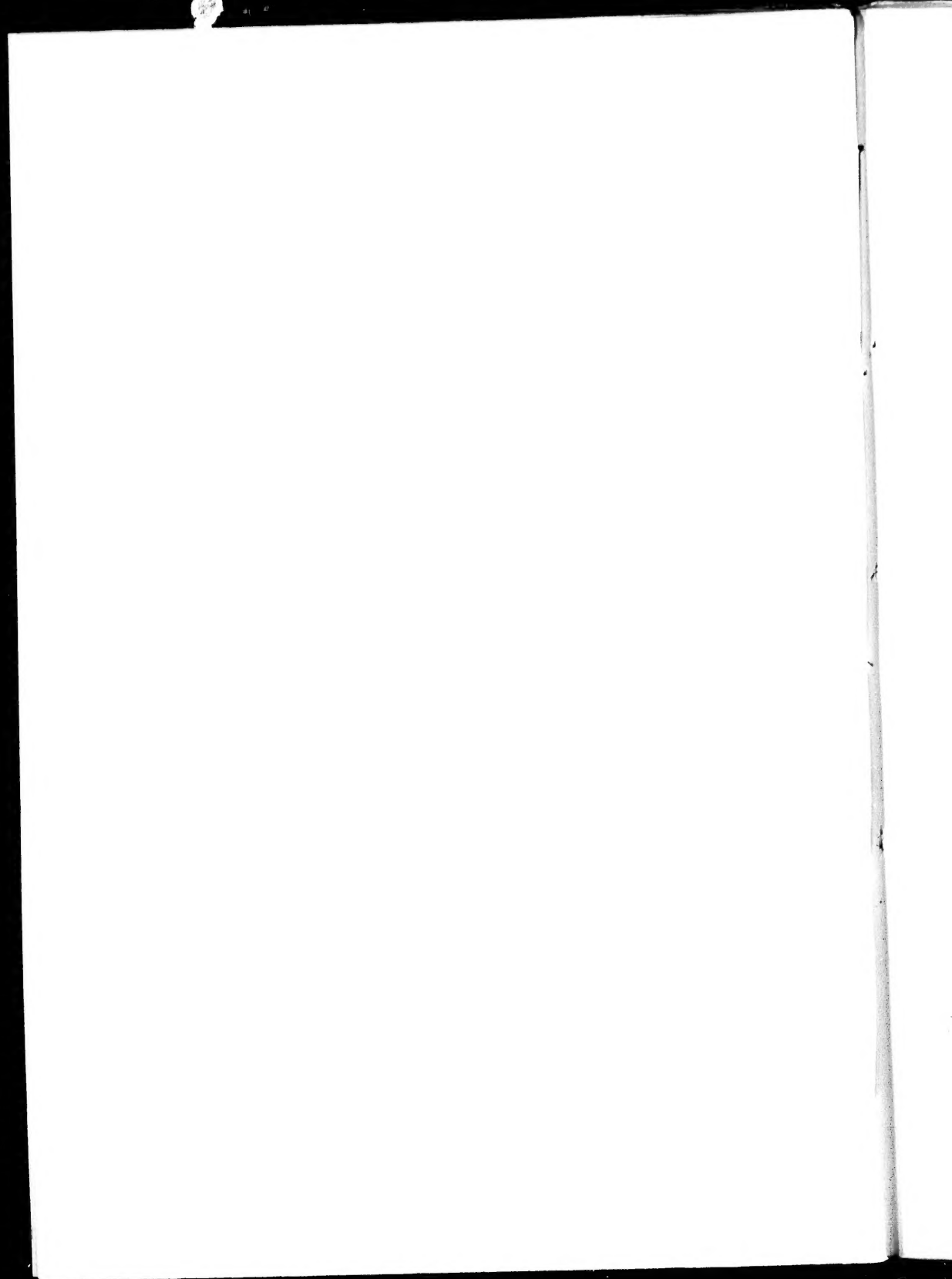
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to comprise all that part of the said city lying north of Centre ward.
King street and between King street and the rivers Magog
and St. Francis.

5. There shall be elected, at such time as shall be Councillors.
fixed by this act, seven fit persons, who shall be and be
called the "Councillors of the City of Sherbrooke," and
such councillors for the time being shall form the council
of the said city and shall be designated as such, and shall
represent, for all purposes whatsoever, the corporation of
the said City of Sherbrooke ;

2. Of the said councillors, two shall be elected for the Number of
North ward, one for the South ward, one for the East councillors for
ward, and three for the Centre ward, and said seven each ward.
councillors shall as hereinafter provided, elect one of their
number as mayor, and the said mayor shall be designated Mayor.
"The mayor of the City of Sherbrooke."

6. No person shall be capable of being elected mayor Qualification
of the said City of Sherbrooke, unless he be possessed, as of Mayor.
owner of real estate within the said city of the value of
one thousand dollars after payment or deduction of his
just debts.

No person shall be capable of being elected a council- Of the council-
lor of the said city, unless he shall have been a resident lors.
of the said city for one year immediately preceding such
election, nor unless he be possessed as owner, either in
his name or in his wife's name, of real estate within the
said city, of the value of six hundred dollars, after deduc-
tion of his just debts, nor unless he shall have paid all
taxes, whether levied for municipal or school purposes,
standing against his own name or against the name of his
wife in the collection roll of the said city, previous to the
election.

2. No person shall be capable of being elected coun- Persons who
cillor of the said City of Sherbrooke, unless he be a natu- may not be
ral born or naturalized subject of Her Majesty, and of the councillors.
full age of twenty-one years.

3. No person being in holy orders, nor the ministers
of any religious belief whatever, nor the members of the
executive council, nor judges, district magistrates, sheriffs,
or clerks of any court of justice, nor officers on full pay Idem.
in Her Majesty's army or navy, nor any person account-
able for the revenues of the said city, nor any other per-
son receiving any pecuniary allowance from the said city

for services, nor any keeper of a tavern, hotel or house of public entertainment, nor any person who has acted as such, within the twelve months preceding, nor any officer or person presiding at the election of the councillors, while so employed, nor any person who shall have been convicted of treason or felony in any court of law within any of Her Majesty's dominions, nor any person having directly or indirectly, in person or through his partner, any contract whatever, or interest in any contract with or for the said city, shall be capable of being a councillor for the said city.

Proviso.

4. Provided however that no person shall be held incapable of acting as mayor or councillor for the said city, from the fact, of his being a shareholder, in any incorporated company which may have a contract or agreement with the said city.

Exemption
from office.

5. The following persons shall not be obliged to accept the office of councillor of the said city, nor any other office to be filled by the council of the said city:—members of the provincial legislature, or of the parliament of the Dominion, practising physicians, surgeons, and apothecaries, schoolmasters actually engaged in teaching, persons over sixty years of age, and the members of the council of the said city at the time of the coming into force of this act or who have been so the two years next preceeding, or members of the said city council, and the person who shall have filled any of the offices under such council, or paid the penalty incurred for refusal to accept such office, shall be exempt from serving in the same office during the two years next after such service or payment.

Right to vote.

7. The persons entitled to vote at the municipal elections of the said city shall be of the male sex of the age of twenty-one years, and possessed at the time, either in their own name or that of their wife, of real property in the said city of the value of two hundred dollars; and also the male tenants of the age of twenty-one years, who shall have resided in the said city and paid rent during the year immediately preceding an election, on a dwelling house or part of a dwelling house, or other real property therein, at the rate of not less than twenty dollars per annum, and the qualification in all cases referred to in this act, shall be determined by the valuation roll then in force in said city.

Proviso.

2. Provided always, that no person qualified to vote

at any municipal election in the said city shall have the right of having his vote registered unless he shall have paid his municipal taxes due, before offering to vote at such election ; and it shall be lawful for any candidate at the said election, and for the person presiding over the said election, to require the production of the receipts setting forth the payment of such taxes, as aforesaid, before registering such vote, and in case the same is not produced, such vote shall not be registered, unless such person make oath before the person presiding at such election that he has paid such taxes.

If taxes are not paid.

Production of receipts.

8. The municipal elections for the said City, under this act, shall be held in the City Hall, or at such other place as may be determined by the City Council, on the second Monday in the month of January, in each year, at nine o'clock in the morning, and public notice thereof shall be given, at least eight days previous to an election, in the French and English languages, by notices posted up at the doors of the churches, or at such other places as may be determined by the said Council, by resolution for that purpose;—such notices to be signed by the Mayor or Secretary-Treasurer of the said City and specifying the day, place and hour at which such election shall take place.

(a). The Council of said City, at a session to be held previous to said election, shall appoint a presiding officer to conduct such election in the said City Hall or other place designated by said Council, as well as presiding officers for the several wards wherein vacancies have occurred, and each such presiding officer shall appoint, under his own handwriting, a poll clerk for his ward and, wherever a poll is necessary, such poll shall be open for the reception and registration of votes, between the hours of eleven o'clock in the forenoon, and five o'clock, of the afternoon of the day appointed for such election.

(b). And it shall be the duty of the presiding officer, appointed to hold the election at the City Hall, to receive, between the hours of nine and ten o'clock in the forenoon of the day of such election, the names of candidates being duly qualified for the office, who shall be nominated in writing by not less than five duly qualified electors, each such nomination specifying the ward for which such candidate is proposed.

to vote

(c). And at the hour of ten o'clock of the forenoon, the said presiding officer shall then and there, declare publicly, the names of all the candidates then nominated, with the names of their proposers, and the wards for which they are candidates respectively, and in case there are for any ward, no more candidates than vacancies to be filled up, then such presiding officer shall declare the candidate or candidates nominated for such ward, to be duly elected;—but in case of there being more candidates than vacancies in any ward, the said presiding officer shall declare the fact, after which a poll shall be opened in the ward or wards where the number of candidates is in excess of the vacancies to be filled up, such poll to be conducted under the presidency and control of the presiding officer or officers, specially appointed for such ward or wards by the said City Council."

Voting.

9. And at such election each elector shall be entitled to vote for the councillor or councillors to be elected in the ward in which such elector is entitled to vote, and each elector shall be entitled to vote in each ward where he is a qualified elector; and, at the closing of the poll in any ward, the officer presiding at such poll shall declare the person or persons who shall have received the largest number of votes, to be duly elected members of the said council, : and in case two or more candidates have received an equal number of votes, the said officer shall be entitled to vote—but in this case only, and he shall then give his casting vote in favor of the candidate or Candidates, whom he shall think fit to choose, and he shall have the right to give such casting vote and shall be bound to give the same, immediately after the votes shall have been counted;

Persons elected.

Case of equality of votes.

Duty of the person presiding in certain cases.

2. If at any time after the votes have commenced to be polled, one hour elapses without any vote being polled, it shall be the duty of the person presiding, after the expiration of the said hour, to close the said election and declare duly elected as council'ors as aforesaid, such candidates as shall be entitled to be so declared elected; provided that no person shall have been, within the last hour, prevented from approaching the poll by violence, of which notice shall have been given to the person presiding.

Duration of the office of mayor.

3. The mayor shall be elected by the council for one year only, but he shall be eligible for re-election, and remain in office until his successor shall have entered in

charge: the councillors elected at any of the municipal elections shall remain in office during three years, except those who shall be elected at the first election, of whom two shall retire at the expiration of the first year, and two at the expiration of the second year, and three at the expiration of the third year, and it shall be declared by lot, in the manner established by the council, which of the councillors shall thus retire from office, at the end of the first and second years ;

4. The subsequent annual elections of councillors for the said city shall take place in the same manner and within the same delays as the first ;

5. Before proceeding to the holding of any election under this act, the presiding officer and his deputies and poll clerks shall take the following oath, which any justice of the peace is hereby empowered to administer ;—to wit :

“ I do solemnly swear that I will, to the best of my judgment and ability, faithfully and impartially perform the duties of presiding officer (or of deputy presiding officer, or poll clerk) at the election which I am about to hold (or which is about to be held) of a person or persons to serve as councillors for the said city of Sherbrooke. So help me God.”

6. The persons who shall preside at an election, in the several wards where elections are being held, shall, during such election, be guardians of the peace, and shall be invested with the same powers for the preservation of the peace and the apprehension, imprisonment, and holding to bail, of persons charged with violations of the law and breakers of the peace, as are vested in justices of the peace, and this, whether the said persons do or do not possess the property qualification of a justice of the peace, as required by law ; and it shall be lawful for the presiding officer and his deputies at an election, to appoint special constables in sufficient numbers to preserve peace at such election, if he or they shall think it necessary, or be required to do it by five electors ;

7. Every hotel, tavern and saloon keepers shall close their bars during the days of voting under a penalty of fifty dollars, or imprisonment in the common jail for three months in default of payment ;

8. The presiding officer at any such election, shall

Subsequent elections.

Oath of presiding officers and poll clerks.

Powers of presiding officers.

Hotel keepers &c., bound to close.

Penalty.

Notice to elected. within three days from the closing of the election, give each of the councillors so elected special notice of his said election, as well as of the place, the day and the hour appointed by him for the first session of the council to take place after the said election, which shall be not more than eight days from the giving of the notice. The councillors so elected shall enter respectively into office as such, at the said first meeting, and shall remain in office until the appointment of their successors ;

Entry and duration of office.

Delivery of poll books to sec'y-treas. &c.

9. The person so presiding at any such election, shall deliver up immediately to the Secretary-Treasurer of the city council, if there be such an officer, and, if not, then, as soon as such officer shall be appointed, the poll-books kept at such election, together with all other papers and documents relating to the said election, certified by himself, to form part of the records of the said council, and copies of the same, certified by the Secretary-Treasurer, shall be authentic in any court of justice ;

First session of council after first election.

10. The first session of the council, after the first election, shall take place within eleven days immediately following such election, and at such meeting or prior thereto, the councillors elected shall take the following oath before a justice of the peace :

Oath of councillors.

"I (A. B.) do solemnly swear faithfully to fulfil the duties of member of the city council of the City of Sherbrooke, to the best of my judgment and ability. So help me God ;"

Quorum. Election of mayor.

11. And the members then present, provided they form a majority of the council, which number shall constitute a quorum under this act, shall be authorized to act as the council, and shall immediately proceed to elect one of their number as mayor : and the members absent without just cause, shall be held to have refused office and shall be liable to the fine hereinafter provided for in like cases, unless they be persons exempt from serving ;

Session after subsequent elections.

12. The councillors elected at the elections subsequent to the first, shall enter into office upon receiving notice from the presiding officer as aforesaid, and upon taking the oath aforesaid, and a meeting of the council shall take place within eleven days after, in the same manner as after the first election, and the councillors elected shall take the same oath, and those absent without just cause, shall be held to have refused the office, and shall be liable to the penalty hereinafter provided in such

case, unless they be persons who are exempted from serving ;

13. The expense of every election shall be defrayed out of the funds of the corporation. Election expenses.

10. The general sessions of the council of the City of Sherbrooke shall be held on the first Monday in each month at such hour as shall be fixed by resolution of the council, and in case the said first Monday shall be a holiday, then the session shall be held on the next following juridical day at the hour fixed for other general meetings. Time of general sessions.

11. It shall be lawful for the mayor of the said city, whenever he shall deem it necessary or useful, to call special meetings of the said council, and whenever two members shall be desirous of obtaining such special meetings, they shall apply to the mayor to call such meetings, and in the absence of the mayor, or on his refusal to act, they may call such meeting themselves, on stating in writing to the Secretary-Treasurer of the said council their object in calling such special meeting and the day on which they are desirous that it shall be held, and the said Secretary-Treasurer shall, upon receipt of such written notification, communicate the same to the other members of the council, and shall give public notice of the same, and no other business shall be transacted at such meeting, except the business mentioned in such notice. Special meetings
Business transacted.

12. In any case in which one of the persons so elected shall refuse to act as councillor, or in case his election shall be declared null, the electors of the ward for which such election is necessary, shall proceed to a new election, and elect a person to replace the said councillor within one month after the said refusal shall have been made known. Case of refusal to act.

2. In case of the absence of a councillor from the City, or in case of his ceasing to perform the duties of his office through incapacity, sickness, or any other cause, during three calendar months, the other councillors at the first or any subsequent meeting of the council, which shall take place after the expiration of the said period of three months, may declare the seat of such councillor to be vacant, and thereupon, a new election shall immediately take place in the ward represented by such person, for the purpose of filling such vacant seat in the usual way ; provided, however, that until the council shall have so, as aforesaid, de-

clared his seat vacant, such councillor may resume his duties, and perform the same, if he is able so to do, without prejudice in any case to the costs of proceedings instituted against him, in event of any such proceedings having been instituted.

In case of the death of a councillor the office becomes *ipso facto* vacant, and a new election to fill such vacancy shall take place without delay, in the usual manner, provided also, that notwithstanding the death, absence or inability to act of such councillor, the remaining councillors shall continue to exercise the same powers, and fulfil the same duties, which they would have had to exercise and fulfill had not such death, absence, or inability to act on the part of such councillor, taken place.

Councillors elected in place of others.

3. Every councillor elected or appointed to replace another, shall remain in office for the remainder of the time for which his predecessor had been elected or appointed, and no longer.

His powers and duties.

13. The officers presiding at any election under this act, shall have authority, and are hereby required, at the request of any persons qualified to vote at such election, to examine upon oath (or affirmation, when the party is allowed by law to affirm), any candidate for the office of member of the said council, respecting his qualification to be elected to the said office, and shall also have authority, and are hereby required upon such request as aforesaid, to examine upon oath (or affirmation) any person tendering his vote at any election, and the oath to be administered by the presiding officers in both cases, shall be in the form following :

Voter's oath.

" You shall true answer make to all questions put to you
" by me, in my capacity of presiding officer, respecting
" your qualification to be elected a member of the city
" council (or respecting your qualification to vote at this
" election—as the case may be.) So help you God."

Questions.

2. And the presiding officer shall himself put the questions when he shall think necessary, but in no case shall the presiding officer at any ward have the power to refuse or reject the nomination of any person duly nominated, or to refuse to record the votes cast for such candidate, and the fact that the person was sworn shall be entered in the poll-book.

Contestation of elections.

14. If the election of all, or of one or more of the councillors be contested, such contestation shall be conducted

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and decided according to the provisions of the municipal code, except in so far as the same is provided for, in and by the following section.

15. In case it shall at any time happen that an annual municipal election shall not be held for any reason whatever, on the day when, in pursuance of this act, it ought to have been held, the said City Council shall not, for that cause, be deemed to be dissolved, and it shall be lawful for such members of the said council, as shall not have retired from office, to meet again, for the purpose of fixing as early as possible a day for the holding of such annual municipal election; and in such case, the notices and publications required by this act, shall be published and posted up, not less than eight clear days before the election, and if, within fifteen days after the day in which such election ought to have been held, the members of the said council shall have neglected to appoint a day for such election, they shall be liable to a fine of twenty dollars each.

Failure of annual election.

Penalty.

16. The mayor of the said city if he be present, shall preside at the meetings of the council, shall maintain order thereat and shall have a right to express his opinion, but not to vote on all questions which shall be brought before the said council; provided always, that when the said councillors, after having voted on any question, shall be found to be equally divided, then and in that case only, the mayor shall decide the question by his vote, giving his reasons for it if he thinks proper; and neither the mayor nor the councillors shall receive any salary or emoluments from the funds of the city during the time they shall remain in office; provided also that whenever the mayor shall not be present at any regular or special meeting of the said City Council, the councillors present shall choose one of their number to fill the place of the mayor during the sitting.

Duties of the mayor.

Casting vote.

Absence of mayor.

17. The council, at its first general session, or at a special session held within the fifteen days which shall follow the first day of such general session, shall appoint an officer who shall be called the "Secretary-Treasurer."

Secretary-treasurer.

2. The Secretary-Treasurer shall be the custodian of all the books, registers, valuation rolls, collection rolls, reports, *procès-verbaux*, plans, maps, records, documents and papers kept or filed in the office or archives of the council; he shall attend all sessions, and shall enter, in a re-

His duties in general.

Authenticity
of his certifi-
cates.

His security.

Receives and
pays over
moneys.

Proviso.

Keeps books
of account.

Renders
accounts.

Inspection of
books.

Neglect to
render account.

gister kept for the purpose, all the proceedings of the council, and he shall allow persons interested therein to inspect the same at all reasonable hours, and every copy or extract of or from any such book or register, valuation roll, collection roll, report, *procès verbal*, plan, map, record, document or paper certified by such Secretary-Treasurer shall be deemed authentic.

3. Every person appointed Secretary-Treasurer shall, before acting as such, give such security as shall be fixed and determined by the Council; provided such security shall be hypothecary or by a guarantee company.

4. The Secretary-Treasurer of the Council shall receive all moneys due and payable to the corporation; and he shall, after having been authorized to that effect by the Council or by the mayor, be bound to pay out of such moneys all drafts or orders drawn upon him by any person thereto authorized by this act, for the payment of any sum to be expended or due by the corporation, whenever thereunto authorized by the said Council; but no such draft or order shall be lawfully paid by the said Secretary-Treasurer, unless the same shall show sufficiently the use to be made of the sum mentioned in such draft or order, or the nature of the debt to be paid thereby.

5. The Secretary-Treasurer shall keep in due form, books of account, in which he shall respectively enter each item of receipt and expenditure according to dates, mentioning at the same time the names of the persons who have paid any moneys into his hands or to whom he has made any payment respectively; and he shall keep in his office the vouchers of all expenditures.

6. The Secretary-Treasurer shall render to the Council every six months, that is to say, in the months of June and December in each year, or oftener if required by the Council, a detailed account of his receipts and expenditure, attested by him under oath.

7. The Secretary-Treasurer's books of account and vouchers shall, at all reasonable hours of the day, be open for inspection, to the Council and to each of the members thereof, and the municipal officers thereof, and to any person liable to assessment in the city.

8. The Secretary-Treasurer, or any other person who shall have filled the said office, may be sued by the Mayor in the name of the corporation, before the Circuit Court or the District Magistrates' Court, for having failed

to render an account, and in any such action he may be ^{Suit.} condemned to pay damages, and interest, for having failed to render such account, and if he render an account he shall be condemned to pay such balance as shall have been found or declared to be in his hands, together with such other sums as he ought to have debited himself with or as the Court shall think he ought to be held accountable for, and every judgment pronounced in any such suit shall include interest by way of damages, together with ^{Damages.} the costs of suit.

9. Every such judgment shall carry *contrainte par corps* ^{Contrainte par corps.} against the said Secretary-Treasurer according to the laws in force in like cases, in the Province of Quebec, if such *contrainte* be demanded in the action to compel the rendering of the said account.

10. The council shall have power and authority to ap- ^{Power of council to appoint officers.} point such other officers as may be necessary for carrying into effect the provisions of this act or any by-law or regulation of such council.

11. Every municipal officer, whether elected or ap- ^{Duty of officer leaving office.} pointed shall, within eight days from the day on which he shall cease to hold office, deliver to his successor, if he be then elected or appointed, or if not, then within eight days after the election or appointment of such successor, all moneys, keys, books, papers and insignia belonging to such office.

12. If any such officer die or absent himself from the ^{If he die, &c.} Province of Quebec without having delivered up all such moneys, keys, books, papers and insignia, it shall be the duty of his heirs or other legal representatives to deliver the same to his successor within one month from his death or from his departure from the said province.

13. And in every such case the successor in office of ^{Rights of his successor.} every such officer shall, besides all other legal remedies, have a right of action before any Court of justice, either by *saisie revendication* or otherwise, to recover from such officer or from his legal representatives or from any other person in possession of the same, all such moneys, keys, books, papers, and insignia together with costs and damages in favor of the corporation, and every judgment rendered in every such action may be enforced by *contraint par corps* against the person condemned, according to the laws in force in such cases in the Province of Quebec, when the *contrainte* is demanded by the declaration.

- 18.** The said City Council shall have power, whenever they may deem advisable, to appoint three assessors or valuers of property, and it shall be the duty of the said valuers to estimate the taxable property in the said city, distinguishing each category according to its real value, and in the manner, and within the periods, which shall be fixed by the said council.
- 19.** Every person so appointed valuator shall be bound before proceeding to the valuation of any property in the said city, to take the following oath before the mayor of the said city or before a councillor, to wit : " I (AB) having been appointed one of the valuers of the City of Sherbrooke, do solemnly swear that I will diligently and honestly discharge the duties of that office, to the best of my judgment and ability. So help me God."
- 20.** The valuers who shall be appointed for the said city, shall be proprietors of real estate in the said city, of the value of at least six hundred dollars currency of this province.
- 21.** When the valuers shall have made a valuation of all the taxable property of the said city, the valuation-roll shall be placed in the hands of the Secretary-Treasurer, and shall be revised in the manner provided by the municipal code ; provided always, that if the said valuation-roll shall have been declared closed, and any property in the said city should suffer any considerable diminution in value, either through fire, demolition, accident or any other reasonable cause, it shall be lawful for the said council upon the petition of the proprietor to remit such portion of the taxes laid on such property for the then current year as, after a report by the valuers of the diminution referred to, shall seem right ; and provided also that the said valuers shall, when directed by the said council, make a yearly valuation of the stocks in trade held in the said city.
- 22.** At the first meeting after each annual municipal election, two persons shall be appointed by the said City Council, to be auditors of the accounts of the said council ; and such auditors shall take the following oath before any one of the justices of the peace residing in the said city ; that is to say :
- " I (A. B.) having been appointed to the office of audi-

"tor of the City of Sherbrooke, do hereby swear that I
 "will faithfully perform the duties thereof, according to
 "the best of my judgment and ability; and I do declare
 "that I have not directly or indirectly, any share or in-
 "terest whatever in any contract or employment with,
 "by or on behalf of the City Council of the said City of
 "Sherbrooke. So help me God."

23. It shall be the duty of the auditors to examine Their duties.
 and report upon all accounts which may be entered in
 the books of the said council or concerning the latter, and
 which may relate to any matter or thing under the con-
 trol of, or under the jurisdiction of the said City Council
 before the annual municipal elections.

24. Neither the mayor, councillors nor Secretary Persons who cannot discharge such duties.
 Treasurer of the said city, nor any person receiving any
 salary from the said council, either for any duty perform-
 ed under their authority, or on account of any contract
 whatsoever entered into with them, shall be capable of
 discharging the duties of auditor for the said city.

25. The mayor of the said city shall, during the per- Mayor is a justice of the peace.
 iod of his office, be a justice of the peace within the lim-
 its of the said city; provided always that he shall not be
 bound to take any other oath than the official one to act
 as such, any law to the contrary notwithstanding.

26. Every person holding the office of Councillor of Persons who cannot serve as councillors.
 the said city, who shall be declared bankrupt or shall
 become insolvent, or who shall apply for the benefit of any
 of the laws made for the relief or protection of insolvent
 debtors, or who shall enter into holy orders, or become
 a minister of religion in any religious denomination, or
 who shall be appointed a judge, district magistrate or
 clerk of any court of justice, or a member of the execu-
 tive council, or who shall become responsible for the rev-
 enues of the city, in whole or in part, or who shall make
 any contract with the said corporation to execute work
 or furnish supplies, or whose seat shall have been declar-
 ed vacant under the provisions of this act shall, by virtue
 of any of these causes, become disqualified, and his seat
 in the said council shall become vacant, and such person
 shall be replaced in accordance with the provisions of
 this act; but such councillor shall be eligible for re-elec-
 tion in case his seat has been declared vacant, in conse-
 quence of absence from the said city; provided always
 that the word "judge" employed in any part of this act, Proviso

shall not apply to a justice of the peace.

General power
to make by laws.

27. It shall be lawful for the said City Council from time to time to make such by-laws as may seem to them necessary or expedient for the preservation of order at the sittings of the council, for the internal government of the city, for the improvement of the place, for the maintenance of peace and good order, and for the good repair, cleansing and draining of the streets, public squares, vacant or occupied lots, for the prevention or suppression of all nuisances whatsoever, for the maintenance and preservation of the public health, and generally for all purposes connected with or affecting the internal management or government of the said city.

Power to name
officers, &c.

2 It shall be lawful for the said City Council to appoint, remove and replace, when they shall think proper, all such officers, constables and policemen as they shall deem necessary for the due execution of the laws and by-laws now in force or to be by them enacted hereafter, and to require from all persons employed by them, in any quality whatsoever, such security as to them shall seem meet, to ensure the due execution of their duties.

Their security.

To levy taxes.

29. In order to raise the necessary funds to meet the expenses of the said City Council and to provide for the several necessary public improvements in the said city, the said City Council shall be authorized to levy annually on persons, and on moveable and immoveable property in the said city, the taxes hereinafter designated, that is to say :

On lands, &c.

2. On all lands, city lots and parts of city lots, whether there be buildings erections thereon or not, with all buildings and erections thereon, a sum not exceeding two cents on the dollar on their whole value, as entered on the assessment roll of the said city.

Stocks.

3. On all stocks in trade or goods kept by merchants or traders and exposed for sale on shelves in shops or kept in vaults or storehouses, a tax of not more than one quarter *per cent*, on the estimated average value of such stock in trade, and in case any person or persons shall come temporarily into the said city to dispose of any bankrupt stock of goods, wares and merchandize, either at public auction or at private sale, the said council may, by resolution passed as soon as convenient, after the same shall come to their knowledge, levy on such person or persons a license fee of not less than twenty dollars, and

License.

not more than fifty dollars, for the sale of said goods so brought into the said city and exposed for sale therein, such duty to be payable by such person or persons on demand being made therefor by the Secretary-Treasurer, and if not paid when demanded, the same may be collected by distress-warrant issued under the hand and seal of the mayor or pro-mayor, immediately after such failure to pay, and said goods may be attached and shall be held for the payment of the same :

Recovery of duties in certain cases.

4. On each tenant paying rent, an annual sum equivalent to two *per cent* on the amount of his rent ;

On tenants.

5. On each male inhabitant of the age of twenty-one years who shall have resided in the said city for six months, not being a proprietor, tenant, an apprentice, nor a domestic servant, an annual sum of one dollar ;

Capitation.

6. On every dog kept by persons residing in the said city an annual sum of not less than one, or more than three dollars, and if the proprietor or harbinger of any dog shall fail to pay the said tax when legally notified so to do, by the municipal officer intrusted with the collection of the said dog-tax, then it shall be lawful for the said council to order the said dogs upon which the tax has not been paid, to be killed by poison or otherwise, and the council shall have the power to order dogs to be kept muzzled or tied up, and cause to be destroyed such as are vicious or dangerous ;

Dogs.

Destruction of dogs.

7. And it shall be lawful for the said City Council to fix by a by-law or by-laws, and to impose and levy certain annual duties or taxes in the discretion of the said council, on the proprietors or occupants of houses of public entertainment, taverns, coffee-houses and eating houses, and on all retailers of spirituous liquors, and on all pedlers, and itinerant traders selling in the said city articles of commerce of any kind whatsoever and on all proprietors, possessors, agents, managers and keepers of theaters, menageries, circuses, billiard rooms, ten-pin alleys, or other places for games or amusements of any kind whatsoever, and on all auctioneers, grocers, bakers, butchers, hawkers, hucksters, carters and livery-stable keepers, and on all traders and manufacturers and their agents, and all proprietors or keepers of wood-yards or coal-yards and slaughter houses in the said city, and on all money-changers or exchange-brokers, pawn-brokers and their agents, and

On proprietors of houses of public entertainment.

Pedlers.

Keepers of theaters &c.

Auctioneers, grocers &c.

Yard keepers.

Brokers. on all bankers and agents of bankers and banks, and on all insurance companies or their agents, and generally on all commerce, manufacturers, callings, arts, trades and professions which have been or which may be introduced into, or exercised in the said city, whether the same be or be not mentioned therein.

Manufacturers, &c. **30.** Every person in the said city practicing the profession of an advocate, physician, land surveyor, notary or any other liberal profession within the limits of the said corporation, shall be assessed at the sum of not less than three dollars annually; every person in the said city, receiving an annual salary of \$500 and upwards, however payable, shall pay an annual tax of one per centum upon the annual amount thereof; and the said city council may name a person or persons, to take the roll of the persons and moveable property, mentioned in the different parts of the foregoing sections.

Tax on liberal professions. **31.** The said council shall also have power to make by-laws;

Roll of moveable property. **2.** For opening new streets in the said city, to such extent as may from time to time, be required;

By-laws respecting. **3.** For establishing market-places and for extending them hereafter;

Opening of streets. **4.** For determining and regulating the duties of the clerks of the market in the said city, and all other persons they may deem proper to employ to superintend the said markets, and for letting the stalls or places for selling upon and about the said market places, and for fixing and determining the duties to be paid by any person selling on any of the said markets any provisions or produce whatever, and for regulating the conduct of all such persons in selling their goods and all produce whatever offered for sale on the said markets;

Markets. **5.** For amending, modifying, or repealing all by-laws made by the municipal council who have had the management of the internal affairs of the said city:

Duties of clerks &c. **6.** For regulating and placing all vehicles in which any article shall be exposed for sale on the said markets;

Stalls. **7.** For compelling proprietors to cause trees to be planted in front of their properties;

Conduct. **8.** For preventing persons bringing articles into the

Amendments to by-laws.

Vehicles on markets.

Trees.

Sale of merchandise.

said city, for selling or exposing them for sale in any other place than the markets of the said city, or for making all other by-laws, which they shall judge requisite to regulate the sale of such articles, and for punishing by confiscation of their articles, goods or provisions, persons who in exposing them for sale in the markets or streets of the said city, contravene the by-laws passed by the said council as to the weight or quality of such articles, goods or provisions ;

9. For the establishment of public weigh-houses ;

Public weigh
houses ;

10. For preventing obstructions of any nature whatsoever in the streets ;

Obstructions
on public
streets ;

11. For preventing the sale on the public highway of any wares or merchandize whatsoever ;

12. For restraining, regulating or prohibiting the sale of any spirituous, alcoholic or intoxicating liquors ;

Sale of spirituous
liquors ;

13. For regulating and governing shopkeepers, tavern keepers and other persons selling such liquors by retail, and in whatever places such liquors might be sold, in such manner as they may deem expedient to prevent drunkenness ;

Hotel keepers ;

14. For taxing saloons and saloon keepers ;

Saloons ;

15. For preventing the sale of any intoxicating beverage to any child, apprentice or servant ;

Sale of spirituous
liquors to
children, &c ;

16. For regulating, fixing and determining the weight and quality of bread, sold or offered for sale, within the limits of the said city ;

Bread ;

17. For regulating the conduct and duties of apprentices, domestics, hired servants and journeymen in the said city, and also duties and obligations of masters and mistresses towards their servants, apprentices, journeymen and domestics ;

Masters and
servants ;

18. To prevent the keeping of gaming houses, places for gambling, or any description of house of ill fame in the said city ;

Gaming houses ;

19. To establish as many public pounds as the said council shall deem expedient to open, for the impounding of animals of any species which may be running at large in the said city ;

Public pounds ;

20. For regulating, arming, lodging, clothing and paying a police force in the said city, and for determining their duties ;

Police ;

21. To compel the proprietors of all land and real property within the said city, their agents or representatives,

Enclosure of
lands ;

to enclose the same, and to regulate the height, description and material of every such enclosure.

- Drains ; 22. To compel the proprietors or occupants of lots of land in the said city, upon which is stagnant or filthy water, to drain or raise such lands, so that the neighbors may not be incommoded nor the public health endangered thereby, and in the event of the proprietors of such lands being unknown or having no representative or agent in the said city, it shall be lawful for the said council to order the said lands to be drained or raised, or to fence in and enclose them, at the cost of the proprietor, if they are not already fenced in and enclosed ; and the said council shall have alike power, if the proprietors or occupants of such lands are too poor to drain, raise or fence in the same, and in every case, the sum expended by the said council in improving such lands, shall remain as a special hypothec on such lands and have privilege over all other debts whatsoever without its being necessary to register the same ;
- Low lands, &c ;
- Fences ; 23. To oblige all proprietors or occupants of houses in the said city to remove from the streets all encroachments or obstructions of any sort, either hanging over, or placed thereon, such as steps, galleries, porches, posts, sign-boards or other obstacles whatsoever ;
- Special Hypothec ;
- Encroachments , 24. To cause to be pulled down, demolished and removed, when necessary, all old or dilapidated walls, chimneys, and buildings of any description which may be in a state of ruin, and to cause to be removed from the streets, all sheds, stables and other buildings erected on the line of any street, and to determine the time and manner in which the same shall be pulled down, demolished or removed, and by whom the expense thereof shall be borne ;
- Old walls ;
- Width and level of streets ; 25. For regulating the width of the streets to be opened hereafter in the said city, and for increasing the width of those already opened, for regulating and altering the height or level of any street or sidewalk in the said city ; provided that if any person shall suffer real damage by the widening, lengthening or altering the level of any street in the said city, after a grade has been established such damage shall be paid to such person after having been assessed by arbitrators, if any of the parties shall require it ;
- Drainage tax on proprietors ; 26. For assessing the proprietors of property situate

in any street or portion of a street, of the said city for the purpose of making sewers or drains in said street or portion of street, such assessment being in proportion to the assessed value of such property, and for regulating the mode in which such assessment shall be collected and paid ; provided always that the said council shall not be authorized so to assess the proprietors in any street or portion of a street, for making such common sewers, unless the majority of the proprietors in such street or portion of a street, shall have prayed for such undertaking, or called for such assessment ;

Item to water
the streets ;

27. For assessing, at the request of a majority of the citizens residing in any street or portion of a street or public square of the said city, all citizens residing in such street or portion of a street or public square in any sums necessary to meet the expenses of sweeping, watering and keeping clean such street or portion of a street or public square, and for removing the snow from any such street or portion of a street, lane or public place, such assessment being in proportion to the assessed value of the property therein ;

Removal of
snow ;

28. To prohibit the erection of steam-engines within the limits of the said city for manufacturing or other purposes, except by leave of the council ;

Steam-engines ;

29. To fix the place for the erection of any manufactories, or machinery worked by steam in the said city :

Board of health ;

30. For establishing a board of health and investing them with all the privileges, powers, and authority necessary for the fulfilment of the duties entrusted to them, or for acquiring all useful information on the progress or general effects of all contagious diseases, or for making such regulations as such board of health shall deem necessary for preserving the citizens of the city from any contagious diseases or for diminishing the effects or the danger thereof.

By-laws against
fire ;

32. For the better protection of the lives and property of the inhabitants of the said city, and for more effectually preventing accidents by fire, the said council may make by-laws for the following purposes, to wit :

Height of chim-
neys ;

2. For regulating the construction, dimension, height and elevation of chimneys above the roofs, or even, in certain cases, above the neighbouring houses and buildings, and within what delay they shall be raised or repaired ;

Fire-engines ;

3. For defraying out of the funds of the said city, any expenses that the council shall deem necessary to incur, for the purchase of fire engines or apparatus of any kind, to be used at fires, or for taking such means as shall appear to them most effective for preventing accidents, by fire or arresting the progress of fires;

4. The resolution passed by the council of the late Town of Sherbrooke, on the seventh day of June, in the year one thousand, eight hundred and seventy-one, relating to the remission of taxes in favor of the Massawippi Valley Railway Company, is hereby confirmed, and the lands acquired within the limits of the said Town, by the said Massawippi Valley Railway Company, or their lessees, the Connecticut and Passumpsic Rivers Railway Company, from the Grand Trunk Railway Company of Canada, by deed of sale dated the twenty-third day of September, one thousand, eight hundred and seventy-three, and by emphyteutic lease dated the twenty-third day of September, eighteen hundred and seventy-three, are declared to have been, and are exempt from municipal taxation for a period of twenty years from the date of the said resolution, provided they be retained during that period by said company for the purposes of their business, and the repayment by the council of the present city of Sherbrooke, of any and all sums of money, made to any person or persons who may have paid the same to the corporation of the late Town of Sherbrooke, as and for taxes imposed on said property, is ratified and confirmed.

Enquiry into
cause of fire :

5. For making or authorizing, or requiring to be made, after each fire in the said city an enquiry into the cause and origin of such fire, for which purpose the said council or any committee thereof, authorized to the effect aforesaid, may summon and compel the attendance of witnesses and examine them on oath, which oath they are empowered to administer ;

Sweeping
chimneys :

6. For regulating the manner in which, and the periods of the year when chimneys shall be swept, and for granting licenses to such number of chimney-sweeps as the said council shall think proper to employ, and for obliging all proprietors, tenants or occupants of houses in the said city to allow their chimneys to be swept by such licensed chimney sweeps, and for determining what rates shall be paid either to the council or such chimney sweeps, and for imposing a penalty of not less than one dollar, nor

more than five dollars, on all persons who shall refuse to allow their chimneys to be swept as aforesaid, and all persons whose chimneys may have caught fire after any refusal to allow them to be swept, such penalty to be recovered before any justice of the peace; and whenever any chimney which shall have caught fire as aforesaid shall be common to several houses, or be used by several families in the same house, the said justice of the peace shall have power to impose the above penalty in full on the occupant of each house or family, or to divide the same among them in proportion to the degree of negligence, shown on proof before him;

7. For regulating the manner in which ashes and quick lime shall be kept in the said city, and for preventing the inhabitants of the said city from carrying fire in the street without necessary precaution, from making a fire in any street, or from going from their houses to their yards and outbuildings and entering therein with lights not enclosed in lanterns, and generally for making such regulations as they may deem necessary for preventing accidents by fire;

Keeping of ashes
and quick-lime;

Lights generally,

8. For regulating the conduct of all persons present at any fire in the said city, for obliging idle persons to assist in extinguishing the fire or in saving effects which may be in danger, and for obliging all the inhabitants of the said city to keep at all times upon and in their houses ladders and fire-buckets, in order the more easily to check the progress of fire;

Conduct of persons
present at
fires;

Ladders, &c ;

9. For defraying out of the funds of the said city any expenses which the said council shall deem expedient to incur in aiding or assisting any person in their employ, who shall have received any wound or contracted any severe disease at any fire in the said city, or in any other service for the city, or in assisting or providing for the family of any person in their employ who shall perish at any fire, or in any other service for the city, or in bestowing rewards in money or otherwise upon persons who shall have been particularly useful or zealous at any fire in the said city;

Aid to wounded,
&c ;

10. For vesting in such members of the said council, or in the fire inspectors or in the said members and inspectors who shall be designated in such by-laws, the power of ordering to be demolished during any fire, any houses, buildings, outhouses or fences which might serve

Demolition in
case of fire ;

as fuel to the fire and endanger the other property of the inhabitants of the said city, saving the obligation of paying to the proprietors of the buildings so demolished the damages to which they may be entitled ;

Appointment of officers ;

11. For appointing all such officers as the council shall deem necessary, for carrying into execution the by-laws to be passed by them, in relation to accidents by fire, for prescribing their duties and powers, and providing for their remuneration, if they think fit, out of the funds of the said city ;

Inspection of houses, &c ;

12. For authorizing such officers as the council shall think fit to appoint for that purpose, to visit and examine at suitable times and hours, that is to say : between nine o'clock in the morning and four o'clock in the afternoon, either the inside or the outside of all houses and buildings of any description within the said city, for the purpose of ascertaining whether the rules and regulations passed by the said council, under the authority of this act, are regularly observed, and for obliging all proprietors or occupants of houses in the said city to admit all officers of the corporation for the purpose aforesaid ;

Penalty,

13. For imposing a penalty, of at least one dollar and not more than twenty dollars, for any infraction of by-laws legally made.

Collection of rates.

33. The Secretary-Treasurer, when he shall have completed his collection-roll, shall proceed to collect the rates therein mentioned, according to the manner provided by the municipal code.

Recoverable from whom.

34. Every tax or assessment imposed under this act upon any property or house in the city may be recovered either from the proprietor, tenant or occupant of such property or building.

Taxes privileged.

35. All the debts now due or hereafter to become due to the said corporation, for all taxes or assessments imposed upon moveable or immoveable property in the said city shall, under this act, be privileged debts according to the municipal code.

Penalties, to whom paid.

36. All the fines and penalties recovered under the provisions of this act shall be paid into the hands of the Secretary-Treasurer of the said City Council, and the proceeds of all licenses granted under this act shall form part of the public fund of the said city, any law to the contrary notwithstanding ; also all fines and penalties sued for and recovered, in the magistrates' court in the said ci-

License.

Other Penalties.

ty of Sherbrooke (save and except for the laws relating to the sale of liquors) under and by virtue of this act and under the summary convictions act, shall belong to and form part of the general funds of the said city of Sherbrooke and shall be paid over to the secretary-treasurer of the said city council, by the justice rendering judgment, and in all such cases the evidence may be taken *viva voce* and need not be reduced to writing, unless at the time of the fying of the plea, the defendant requests the same to be taken in writing.

Employment
thereof.
Proof *viva voce*.

37. Before any by-law of the said council shall have force or be binding, such by-law shall be published by publication for two consecutive weeks in two newspapers published within the limits of the said city, in one newspaper in the French language, and in the other in the English language.

Publication of
by-laws.

38. The said council may contract loans for all objects falling within the scope of their power, by complying with the provisions of the municipal code, and may make a by-law or by-laws granting such bonus or bonuses as they may think desirable and proper in aid of any manufacturing company or companies as may be established within the limits of the said City of Sherbrooke: but no such by-law shall be operative until the same shall have been approved of by the municipal electors of the said city under and by virtue of the provisions of the municipal code; provided however, that none but owners of real property who by the valuation roll are entitled to vote at other municipal elections under this act shall be entitled to vote either for or against any by-law for the purposes aforesaid;

Power to borrow.

Aid to manufac-
turing companies.

Approval.

Proviso.

39. The said council may issue debentures for the purpose of raising money upon the credit of the city for all objects falling within the scope of their powers, such debentures to be issued subject to the provisions of the municipal code, and the amendments thereto; provided however, that none but owners of real property as aforesaid shall be entitled to vote for or against any by-law passed for the purposes aforesaid;

Issue of deben-
tures.

Mode of issue
Proviso

2. But inasmuch as the said town of Sherbrooke has promised by way of bonus to the Canadian Meat and Produce Company, the sum of eight thousand dollars, and inasmuch as there is due by said town, certain other debts which are now due and exigible, amounting in all

Issue of deben-
tures for \$25,000
without approval
of ratepayers.

Mode of issue.

to a sum not exceeding twenty-five thousand dollars, the said council may and they are hereby authorized to issue debentures for the purpose of raising money to pay these debts upon the credit of the city and without submitting the same to the rate-payers of the said city to an amount not exceeding twenty-five thousand dollars, such debentures to be issued in the form and under the provisions set forth in the municipal code and its amendments; save and except however, that they may be issued by virtue of a resolution of the council of the said City of Sherbrooke, and such resolution shall not require the sanction or approval of the municipal electors of the said city, nor of the Lieutenant Governor of this province, but such debentures shall have the same validity as though sanctioned by the Lieutenant Governor.

Properties exempt from taxation.

40. The following property shall be exempt from taxation in the City of Sherbrooke:

All lands and property belonging to Her Majesty, Her heirs and successors, held by any public body or office in person, in trust for the service of Her Majesty, Her heirs and successors;

2. All provincial property or buildings;

3. Every place of public worship, presbytery, parsonage or manse and appurtenances and every burying-ground;

4. Every public school house and the ground on which the same is constructed, provided that such ground does not exceed one acre;

5. Every educational establishment and the ground on which the same is constructed, provided that such ground does not exceed two acres;

6. All buildings, grounds and property occupied or possessed by hospitals or other charitable institutions, not exceeding three acres.

Encroachments upon the streets.

41. It shall be lawful for the said City Council to order the inspector of the said city to notify any parties who shall have made or shall hereafter make encroachments upon the streets or public squares of the said city by means of houses, fences, buildings or obstructions of any kind, to cause the removal of such encroachments or obstructions, by giving to such persons a reasonable delay for the purpose, which delay shall be specified by the said city inspector in giving his notice, and if such

Power to cause the removal of them in certain cases.

persons shall not have removed such encroachments or obstructions within the delay specified, the said corporation may itself remove the same, and shall recover the sum expended for such purpose from the person in default.

42. From and after the passing of this act, every proprietor or agent who shall wilfully grant a certificate or receipt setting forth a less sum than the rent really paid or payable for the premises mentioned or referred to, and every tenant who shall present to the assessors of the said city such a receipt or certificate falsely representing the value of the rent paid by such tenant in order to procure a diminution or abatement of his assessment, or who shall directly or indirectly deceive the said assessors as to the amount of such rent, shall be liable, on conviction ^{False representation.} thereof before the mayor or a justice of the peace, to a penalty of twenty dollars or less, with costs, or in default of payment to imprisonment during one calendar month or less, according to the judgment of such mayor or justice of the peace, ^{Penalty.}

43. The said council shall have full and unlimited power to purchase and acquire out of the funds of the said city all such lots, lands and real property whatsoever within the said town, as they shall deem necessary for the opening or enlargement of any street, public square or market place, or for the erection thereon of a public building, or generally for any object of public utility of whatsoever nature. ^{Power to acquire land for the opening of streets, &c.}

44. When the proprietor of a lot which the said council shall be desirous of purchasing, for any object of public utility whatsoever, shall refuse to sell the same by private agreement, and also refuses or neglects within ten days after notification, to appoint an arbitrator to act jointly with an arbitrator chosen by the corporation, and to enter into a bond, with the corporation to accept the award of the said arbitrators as compensation for said land, or in case such proprietor shall be absent from the province, or in case such lot of land shall belong to minors issue unborn, lunatics, idiots, or *femes covert*, the said council may apply to any judge of the Superior Court for Lower Canada in and for the district of Saint Francis, after having given notice of such application to the party interested, an absentee in such case being notified by a notice for such object published during two months in the ^{Expropriation for public utility.}

newspapers, one published in the English language and the other in the French language in the district of Saint Francis, for the appointment of an arbitrator by the said judge, to make conjointly with the arbitrator appointed by the said council, a valuation of such lot, with power to the said arbitrators however appointed, in case of a difference of opinion, to appoint a third, without being bound in case of such latter appointment, to notify the parties; and when the said arbitrators or two of them shall have made the report to the said council, at a regular meeting thereof, it shall be lawful for the said council to acquire such lot on depositing the price, at which it shall have been valued, by the said arbitrators, in the hands of the prothonotary of the Superior Court, for the district of Saint Francis, for the use of the person entitled thereto; provided always, that in all matters of expropriation it shall be the duty of the said arbitrators in making their valuation, to declare if the residue of the said land, part whereof has been detached, is benefited by the expropriation, and if such be the case, such value so given to the residue of the land shall be by them taken into consideration, in making the estimate of indemnity, and shall be deducted therefrom, and the decision of the said arbitrators, or of a majority of them, shall be final, and within ten days after notification of the deposit of such money with the said prothonotary, which notification in the case of an absentee shall be published in the newspapers as required by this section, the owner of such land shall be bound to execute a deed of sale of said land to and in favor of the corporation, and in case of his failing to do so, then the registration in the registry office of the proper registration division, of the said award, and a certificate from the prothonotary of the deposit of such money, shall constitute a good and sufficient title to said land in the said corporation.

Penalty for refusal of charge or neglect.

45. Every person, who being elected or appointed to any of the offices mentioned in the following list, shall refuse or neglect to accept such office or to perform the duties of such office during any period for which he shall have been so elected or appointed, shall incur the penalty mentioned in such list, or designation of such office, that is to say:

Mayor.

1. The office of mayor, fifty dollars;

Councillors.

2. The office of councillor, twenty-five dollars;

3. Whenever the valuator^{Valuators.} neglect to make the valuation which they are required to make under this act, or neglect to draw up, sign and deliver the valuation roll to the secretary-treasurer of the council within two months from the date of their appointment, every such valuator shall incur a penalty of fifty dollars ;

4. Every member of the council, every officer appointed by the council, who shall refuse or neglect to do any act or perform any duty required of or imposed upon him by this act shall incur a penalty not exceeding twenty dollars and not less than one dollar : ^{Members of the council.}

5. Every person who shall vote at any election of councillors, without having at the time of giving his vote at such election, the qualification by law required to entitle him to vote at such election, shall thereby incur a penalty not exceeding twenty dollars ; ^{Voters not qualified.}

6. Every inspector of roads or road-officer who shall refuse or neglect to perform any duty assigned to him by this act, or by the by-laws of the council shall, for each day on which such offence shall be committed or such neglect shall continue, incur a penalty of two dollars, unless some other and heavier penalty be by law imposed on him for such offence ; ^{Road inspectors.}

7. Every person who shall hinder or prevent, or attempt to hinder or prevent, any officer of the council in the exercise of any of the powers or in performance of any of the duties incurred or imposed upon him by this act, or by any by-law or order of the said council, shall incur a penalty not exceeding twenty dollars for every such offence ; ^{Preventing an officer from doing his duty.}

8. Any person contravening any of the provisions of this act, the penalty for the infraction whereof is not already prescribed by any provision of this act, shall incur a penalty not exceeding twenty dollars. ^{Contravention of this act.}

46. All the penalties imposed by this act, or by any by-law made by the council, shall be recovered in the manner provided by the municipal code ; provided however, that in all summary trials for such penalties had before the district magistrate or any two magistrates in the said City of Sherbrooke, the evidence may be taken orally, unless the party prosecuted do make a demand that the same shall be taken in writing, and in all such cases, conviction shall carry costs. ^{Recovery of penalties.}

47. All the powers conferred by the municipal code of the Province of Quebec and the amendments thereto, up- ^{Municipal code shall apply.}

on any municipal council, and upon the councillors and officers of such council and not inconsistent with this act of incorporation, shall apply to the corporation of the City of Sherbrooke, to the municipal council and to the councillors and officers of the said corporation; and wherever this act is silent, all the provisions of the said code and its amendments shall apply, and be law, in relation to all municipal matters in the said City of Sherbrooke, and to all matters and things provided for in the said code.

Appeal to the
circuit court.

48. An appeal shall lie to the Circuit Court from any decision of the council of the said City of Sherbrooke with reference to any valuation roll, *proces-verbal*, expropriation of property, or any other thing with regard to which any party shall deem himself aggrieved by the decision of the council, and the decision of the court shall be binding upon all parties; such appeal shall be prosecuted in the manner provided by articles 1064 to 1079 inclusive of the municipal code relative to appeals from decisions of county councils.

Act in force.

49. This act shall come into force on the day of its sanction.

New Provisions Under 42-43 Vict., Ch. 60.

Discount on
taxes.

1. Every rate-payer who shall pay the taxes due by him to the Corporation, within thirty days from the time the same shall become due and payable, shall be entitled to a discount of four per cent thereon.

Interest on taxes.

2. Interest in all cases, shall be charged and exacted, at the rate of six per centum per annum, on all taxes, including school taxes; such interest to be calculated from the expiration of thirty days after the same shall become due, and such interest shall be added to the tax and form part thereof, and shall be entitled to all the privileges and rights as to preferential payment given by law to such taxes.

Grant to St.
John's ratified.

3. The resolution passed by the municipal council of the City of Sherbrooke, on the twenty-fifth day of June, in the year of our Lord one thousand eight hundred and seventy-seven, by which the sum of one thousand dollars was granted and paid in aid of the sufferers by the St.

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John's, New Brunswick, fire, is hereby ratified and sanctioned.

4. In all cases in which the assessment imposed on any immovable property in the said city of Sherbrooke shall not have been paid for three years from the time that any part of the same became due, and it shall be established by the return and certificate of the bailiff entrusted with the distress warrant issued under the provisions of section 963 of the Municipal Code, as applied to the said city, by Section 34 of the Act hereby amended, that he could not sufficiently levy by the seizure and sale of the moveable effects of the proprietor or occupants of such property, that the said bailiff could not proceed to the seizure of any moveable property belonging to the said proprietor or occupant which may be found in the municipality, or that the proceeds of the sale of such moveable effects are not sufficient to cover the amount due for taxes on the said property, and the costs incurred by the seizure and sale of the said effects, or that the proprietor or occupant does not reside in the city, it shall be the duty of the Secretary-Treasurer, to proceed to the sale of the said vacant lands or immovable property in the manner, and by observing the following formalities :

Sale of land for taxes:

When sale shall be made.

The said Secretary-Treasurer, before the eighth day of January in each year, shall prepare a list containing the names of all persons indebted for three years of municipal taxes or school taxes imposed upon immovable property held or occupied according to the valuation roll, by such persons, adding all other charges against the said real estate which may be then due or payable to the said Corporation, a short description, in accordance with article 2468 of the Civil Code, of all lands subject to the payment of the said arrears of municipal taxes, or school taxes, or other charges, the total amount of arrears of taxes for which the said property is liable for municipal or school taxes, or other charges. Such list shall be accompanied by a notice setting forth that such lands are to be sold at public auction at the office of the Secretary-Treasurer of the said Council, on the first Monday of March next ensuing or on the day following, if such Monday be a legal holiday, at ten of the clock in the forenoon, in default of payment of the taxes for which they are liable, and the costs incurred.

List of lands liable to be sold.

5. Such list and notice which accompanies it must be

List to be published.

Certificate required from Registrar.

Sec'y. Treas., or other person for him to sell.

Highest bidder to be purchaser.

Price to be paid at once.

In default, land to be resold.

Postponement of sale.

published in the French and English languages three times during the month of January, in the Official Gazette of the province, and in two newspapers, one in French and one in English, published in the said city, and by posting such notice in the manner required for public municipal notices, and the Secretary-Treasurer shall before the fifteenth day of January, apply to the Registrar of the Registration Division where such lands are situate, for a list of the hypothecary claims, upon the lands to be so sold, which list the Registrar shall be bound to furnish, with the addresses, as ascertained from his books immediately, and the expenses thereof to form part of such sale; and shall notify each hypothecary creditor by registered letter, through the Post Office, at least one month before the day of sale, of such intended sale.

6. At the time appointed for the sale, the Secretary-Treasurer of the said Council, or some other person for him, shall sell to the highest and last bidder therefor, the lands described in said list upon which taxes are still due, after making known the amount to be levied on any such lands including the costs incurred for the sale.

7. Whoever shall then offer to pay the highest price, and shall be the last bidder, shall become the purchaser of the land thus sold, and the said land shall be at once adjudged to him by the Secretary-Treasurer or other person who shall sell such land.

8. The purchaser of all lands thus sold, shall pay the amount of the purchase price immediately upon the adjudication thereof.

9. In default of immediate payment, the Secretary-Treasurer shall either at once again put up the land for sale or shall postpone the sale for eight days, by giving notice of such postponement to all persons present, in an audible and intelligible voice, and by publishing such notice, in two newspapers published in the said city, in the French and English languages.

10. If at the time of the sale, no bid is made, or if all the lands advertised cannot be sold on such first Monday in March, or following day, if such Monday be a legal holiday as aforesaid, the sale shall be postponed for eight days, and notice thereof given in the manner prescribed in the preceding section; but the purchaser may prevent the resale by paying into the hands of the Secretary-Treasurer, before the time fixed for the resale the amount of

the purchase money, and all additional costs incurred in consequence of the postponement of the sale.

11. Upon payment by the purchaser, other than the corporation hereinafter provided, of the amount of the purchase money, the Secretary-Treasurer shall immediately execute, in the name of the corporation, a deed of sale and conveyance of the land so sold, to such purchaser under his signature and the seal of the corporation, and shall deliver a duplicate thereof, to the said purchaser, upon his paying the costs of the deed and the registration thereof, and the said Secretary-Treasurer shall immediately cause the same to be registered in the proper Registry office. The sale shall have the same effect as a sheriff's sale, and the purchaser shall become seized of the property in the lands so sold, and of the appurtenances thereof as proprietor, and shall be entitled to take immediate possession thereof.

Sec'y-Treas. to give deed.

And to register.

Effect of sale.

12. The corporation of the said city may bid, at the sale of such immovable property thus put up for sale, and may become the purchaser thereof, through the Mayor or other person authorized by the City Council, without being held to pay forthwith, the amount of said purchase money; but in case of the purchase of any immovable property by the said Corporation, the owner, or his representative or any person, on his or her behalf, may, within twelve months of the day of sale and adjudication of the said property, redeem the same by paying to the Secretary-Treasurer of the said city, the amount of the claims of the said city for which the said property was sold, with all costs of sale, and the subsequent costs, if any, incurred in connection with the carrying out of the provisions of this Act, together with the taxes, whether municipal or school taxes, which would have become due and payable prior to such redemption, on said property, in the case of private ownership thereof, as well as any outlay or necessary repairs or insurance money to protect the said property from loss or damage by fire, together with fifteen per cent on all such moneys, whether taxes, costs, additional taxes, repairs, or insurance.

Corporation may bid at sale.

Owner or others may redeem.

If within the said period of twelve months, the property has not been redeemed as provided for in this section as aforesaid, the Corporation remains the irrevocable proprietor thereof, and the certificate of the Secretary-Treasurer, setting forth the facts, countersigned by the Mayor of the

If not redeemed.

Surplus money to
be deposited.

City to sell with-
in five years.

When price ex-
ceeds amount
due to Corpora-
tion.

If no encum-
brances.

said city, shall be registered, and shall *ipso facto* be a valid title to the said property; but the said certificate shall also contain a statement of the amount of surplus money bid by the said Corporation for the said property, over and above the claim and costs of the said Corporation, on which the said property was sold, which surplus shall be immediately paid over to the Prothonotary of the Superior Court for the District, by the Secretary-Treasurer, with a Registrar's certificate, as required by section 13 of this act, the costs thereof having been first deducted from such surplus, and said corporation shall pay interest on such surplus from the time of the adjudication until the money is paid over by them; provided that the Corporation shall be bound to sell any such property, within five years if the same be not required for public purposes.

13. When the price for which said land or building lot has been sold, shall exceed the amount due to the Corporation for taxes, interest, and costs, the Secretary-Treasurer shall, as soon as may be, after the adjudication, apply for and obtain from the Registrar of the Registration division in which such immovable property is situated, a Registrar's certificate of encumbrances existing upon the property so sold; the said certificate, which the said Registrar is hereby authorized and required to furnish, shall be, in form and substance, similar to that furnished to the Sheriff in cases of Sheriff's sale, and immediately upon receiving such certificate, the Secretary-Treasurer shall deposit the same, together with the surplus money in his hands as aforesaid, first deducting the expenses incurred subsequent to the adjudication, with the Prothonotary of the Superior Court for the District of Saint Francis, who is authorized and directed to receive the same. But in case the said purchase has been made by or on behalf of the said Corporation, then such deposit shall only be made to the said Prothonotary, after the expiry of the twelve months allowed for the redemption of the said property.

14. In cases where there are no encumbrances on the property so sold, the Registrar shall certify the fact in a certificate which he shall deliver to the Secretary-Treasurer when called upon as aforesaid, and the Secretary-Treasurer shall immediately deposit such certificate with the Prothonotary as aforesaid.

15. When the Secretary-Treasurer of the said city has

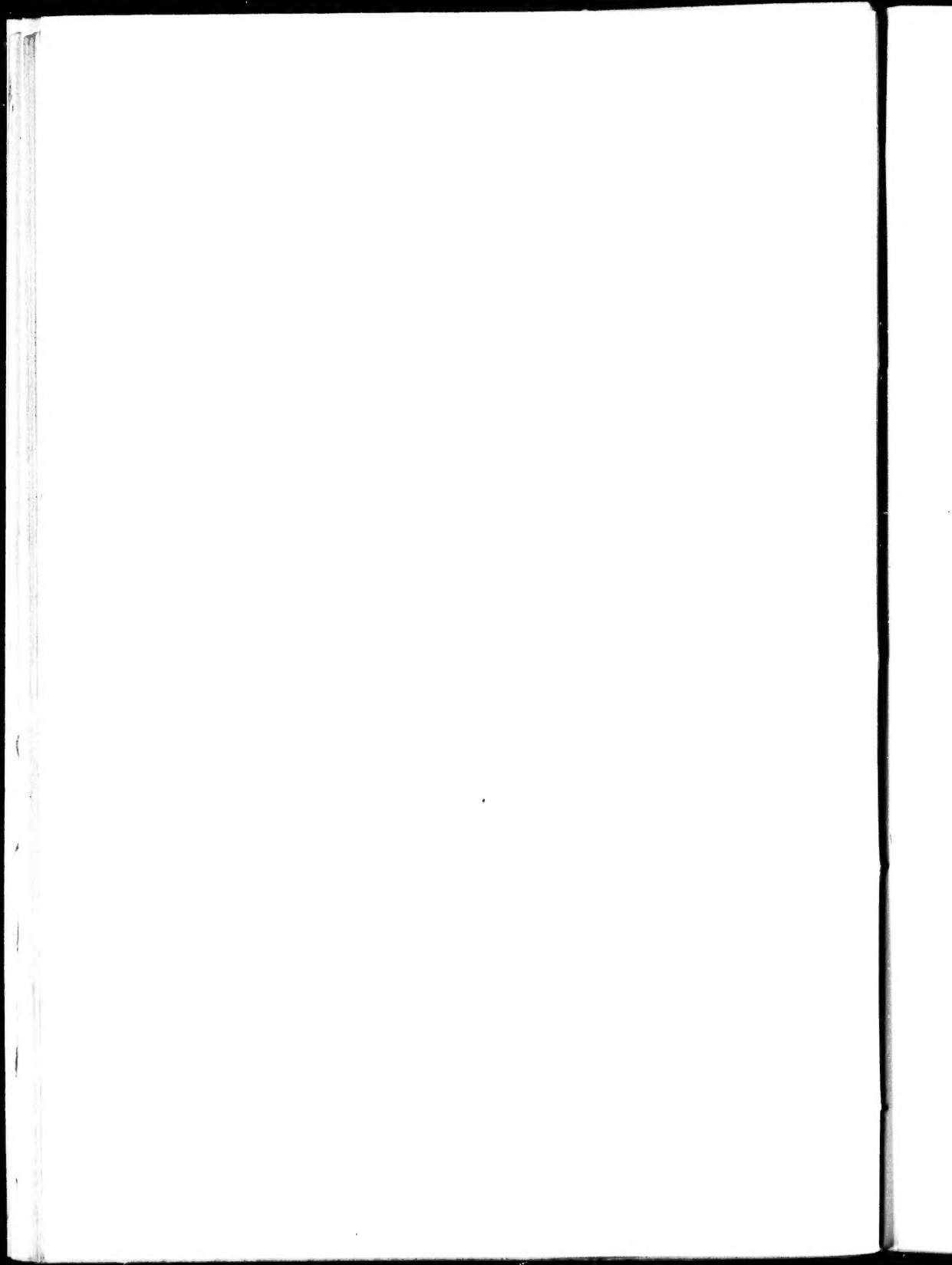
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deposited with the prothonotary of the Superior Court, a certificate and money, as provided by sections 13 and 14 of this act, the said prothonotary shall prepare a report of distribution of the said money in accordance with the rights of the claimants thereto, and the proceedings as to the filing of claims and the making, contestation and homologation of the said report, shall be the same as proceedings in ordinary cases in the Superior Court after the return of moneys levied by the sheriff, save that in cases of claims bearing interest, such interest shall be calculated up to the date of the deposit, instead of the date of the adjudication and sale, and the same delays shall apply, and the same notices be given as in ordinary cases in the Superior Court.

Sale of immov-
able property.

16. If before the sale of any immoveable property by the Secretary Treasurer, the same property be seized by the sheriff, the Secretary-Treasurer, upon being notified in writing by the Plaintiff in the suit, or his attorneys, of such seizure, shall complete his advertisement, but shall not proceed to sell the same, but shall file an opposition with the sheriff or prothonotary for the amount of the taxes, interest and costs, but if the sheriff's sale is delayed by opposition or otherwise, the Corporation of the City of Sherbrooke, may then, after two weeks notice given as provided in section five, proceed upon a day to be fixed by such notice to the sale of the said property.

Prescription of
taxes.

17. All arrears of municipal taxes or school taxes due to this city, are prescribed by four years from the date on which they become due.

18. This act shall come into force on the day of its sanction.